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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,146	05/08/2001	Bruce Plotnick	WGATE13	1272
26291	7590	06/30/2005	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			BROWN, RUEBEN M	
		ART UNIT	PAPER NUMBER	2611
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/850,146	PLOTNICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5, 8, 10, 11, 13 and 20 are rejected under 35 U.S.C. 112, as forming an improper Markush group. Regarding the cited claims, the phrase "selected from the group comprising" or "selected from the group including" are improper Markush groups, since the proper terminology is "selected from the group consisting". See MPEP § 2173.05(h).

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, (U.S. Pat # 5,666,645).

Considering claim 1, the claimed information service distribution system comprising:

'at least a first provider of information to be broadcast to viewers, such that the provider periodically generates one or more information files and stores them in a provider storage medium', reads on the disclosure in Thomas of the program schedule information providers that provide EPG schedule information through the data feeds 80, to the Automated Data Collection (ADC) subsystem 10, which along with the main database 90 forms a centralized EPG management and distribution center, see col. 4, lines 1-6 & col. 5, lines 50-67; Fig. 1 & Fig. 2.

As for the first provider of information having a storage medium, Thomas teaches that the program schedule information providers transmit EPG data to the ADC 10, but does not specifically disclose the use of a storage medium at the site. Official Notice is taken that at the time the invention was made; maintaining a storage medium at an EPG provider was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to include a storage medium at the site of the program schedule information providers, for the known purpose of at least temporarily storing the EPG data before it is transferred to the main distribution center, and so that a copy may be maintained in order to distributed to another main distribution center.

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'central server for receiving the information files from the provider storage medium, such that the central server has a plurality of storage locations', is met by the main database 90 and ADC 10, which operate as a centralized database, col. 4, lines 1-8; col. 6, lines 1-40.

'provider server for periodically transmitting the information files in the provider storage medium to the central server', reads on the EPG providers, since Thomas discloses that the program schedule information providers periodically transmit the EPG schedules to the ADC 10, via data feed 80; col. 4, lines 1-3; col. 5, lines 51-67.

'at least a first local server for receiving the files from the central server and sending the files from the central server and sending the files to a corresponding CATV headend in a TV distribution system' is met by the operation of the feed generation system 70, which transmits updated EPG data to one or more EPG providers, which may be a headend or super-headend, col. 9, lines 5-35; col. 10, lines 5-35; col. 11, lines 12-67 thru col. 12, lines 1-10 & Fig. 7.

'programming in the central server for periodically checking whether information files are present in any of the storage locations, and transferring any of the files to the local server' is met by the discussion in Thomas, col. 6, lines 11-45; col. 11, lines 45-67, which teaches that the feed generation subsystem extracts EPG data from the main database 90, at least temporarily stores the EPG data in cache 720.

Considering claim 2, wherein the provider server includes programming that periodically checks whether the provider has transferred updated files to the provider storage mediums, and transmits the updated files to the central server', is met by the operation of the ADC 10, which

Considering claims 3 & 10, in light of the 112 rejection above, the instant claims are analyzed as best understood. Fig. 1 of Thomas discloses that the various servers may at least communicate using a satellite link, which meets the requirement.

Considering claims 4 & 15, Thomas meets the claimed subject matter, col. 6, lines 11-40.

Considering claims 5 & 11, in light of the 112 rejection above, the instant claims are analyzed as best understood. Thomas teaches that the system may operate on a UNIX platform, (col. 14, lines 1-14) but does not discuss the particular programming language. Official Notice is taken that at the time the invention was, the use of various programming languages such as PERL, C, JAVA, etc. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to use any number of computer languages, such as C for instance, which is particularly suited for the UNIX platform, in order to have highly automated and programmed system.

Considering claims 6 & 16-17, the claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent o the headend, the operation of the

manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Regarding claim 17, the manual entry and corrections subsystem 20, makes sure that the EPG data is verified before transmission, see col. 8, lines 3-45.

Considering claims 7 & 12, the claimed private network is met by the Feed Generation subsystem 70, see Fig. 7.

Considering claims 8, 13 & 20, in light of the 112 rejection above, the instant claims are analyzed as best understood. Thomas is directed to an EPG delivery system , which would necessarily at least include channels for news and sports, and reads on the claim language, see col. 5, lines 51-67.

Considering claim 9, the claimed information service distribution system comprises elements that correspond with the subject matter recited in the above rejection of claim 1, and are likewise treated. As for the additionally claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent o the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Considering claim 14, the claimed method for broadcasting information in a TV distribution system comprises steps that correspond with elements mentioned in the above rejection of claim 1, and are likewise treated.

Considering claims 18-19, regarding the format of the data files, Thomas only discusses that the files may be transmitted using MPEG 2, col. 11, lines 21-45. Nevertheless, Official Notice is taken that at the time the invention was made, transmission of data files using JPEG and/or HTML was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to transmit data files using JPEG, for the known benefits of compression of still image images, and HTML for the desirable advantage of a more interactive user interface, for the customer.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Davis Teaches an EPG delivery system that verifies the format and content of EPG data.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Reuben M. Brown*  
REUBEN M. BROWN  
PATENT EXAMINER

Reuben M. Brown